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Appl. No. 10/669,221
Atty. Docket No. 2003B101
Amendment dated January 19, 2007
Reply to final Office Action of October 24, 2006

REMARKS/ARGUMENTS

This reply is in response to the final Office Action dated October 24, 2006. Claims 1-18 are pending in the application and stand rejected. Applicants have amended claim 1 above to correct a matter of form and/or to correct a grammatical/typographic error. Such proposed amendment is not in response to the cited prior art or directed to the patentability of the invention. Such proposed amendment is also intended neither to narrow the claims nor to otherwise limit the scope of equivalents thereof. Entry of the foregoing amendment and reconsideration of the claims is respectfully requested. No new matter has been added, nor any new issues raised, by the claim amendment presented herein.

Applicants respectfully note that claim 10 was not addressed in the final Office Action. Per a teleconference with the Examiner and the Applicants' representative, the Examiner indicated that claim 10 stands with claims 11-15, which were rejected under 35 U.S.C. § 103(a) as being obvious over International Publication No. WO 01/98409 to Farley *et al.* (hereinafter "Farley"). Accordingly, claims 1-9 and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Farley, and claims 10-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Farley. Applicants respectfully traverse both these rejections, on grounds that Farley does not teach, show, or suggest the claimed invention.

Initially, Applicants respectfully note that, even following the Examiner's logic (which Applicants show is flawed, below), at least claim 9 is allowable. Farley does not teach, show, or suggest a core layer comprising a blend of LDPE and HDPE, where the LDPE has a density of between about 0.925 to 0.930 g/cm³. Even the Examiner acknowledges that Farley's VLDPE, which the Examiner has equated with Applicants' LDPE component, has a density less than 0.916 g/cm³, which is below the lower end of the density range in claim 9 (0.925 g/cm³) and too far below said range to be encompassed by Applicants' term "about." Acknowledgment by the Examiner of this distinction and of the allowability of claim 9 is, thus, respectfully requested.

Furthermore, Farley discloses a multi-layer film structure (A/B/A) where the core layer or "B" layer comprises a blend of VLDPE and HDPE. *See, e.g.*, Farley at pages 32-34. Farley does not teach, show, or suggest a core layer comprising LDPE and HDPE, as required in every claim.

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For at least this reason, withdrawal of the rejections and allowance of the claims is respectfully requested.

As is well known in the art, VLDPE, which stands for Very Low Density PolyEthylene, is not the same as LDPE, which stands for Low Density PolyEthylene. In addition to having different density ranges, VLDPE and LDPE have polymeric architecture, due to the respective differences in their chemistries. VLDPE is an ethylene copolymer with a relatively high level of non-ethylene α -olefin comonomer (5 wt% to 25 wt%), as stated in Farley. *See, e.g., Id.* at page 2, second full paragraph, and at pages 4-5. Indeed, those skilled in the art would know that VLDPE has a higher comonomer level than LLDPE, which stands for Linear Low Density PolyEthylene. Although LLDPE and LDPE typically have similar densities, Applicants note that they are, chemically, significantly different. Indeed, LDPE is a homopolymer of ethylene (*i.e.*, no comonomer, or, at most, very low levels of comonomer, for example, not approaching 5 wt%), made by a process that allows/causes formation of chain branching due to side reactions such as back-biting. Thus, the branching in LDPE is based on the kinetics of the homopolymerization reaction, which tends to yield rather irregularly (randomly) spaced and/or sized branches pendant from the homopolymer backbone. On the contrary, the branching in VLDPE is based on the nature of the comonomer used in the copolymerization reaction with ethylene, which tends to yield at least regularly sized (and sometimes also rather regularly spaced) pendant from the copolymer backbone.

As a result, Applicants respectfully submit that VLDPE and LDPE are not the same and are recognized by those skilled in the art as being different, in terms of physical and mechanical properties, which are directly related to the polymerization chemistry, and thus to the polymer architecture. Therefore, Applicants respectfully submit that the claims are novel and non-obvious over Farley, which does not teach, show, or suggest the claim feature of a core layer comprising a blend of LDPE and HDPE. Withdrawal of the rejections and allowance of the claims are thus respectfully requested.

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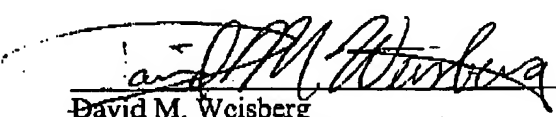
CONCLUSION

Having addressed all issues set out in the office action, Applicants respectfully submit that the pending claims, as amended herein, are now in condition for allowance. Applicants invite the Examiner to telephone the undersigned attorney if there are any outstanding issues that have not been addressed to the Examiner's satisfaction.

Applicants believe that no fees are due for this submission. However, if any extensions of time or fees are required to maintain the pendency of the application, this is an express request for any required extension of time, and an express authorization to charge any required fee, or to credit any refund, to Deposit Account No. 05-1712 (Docket No. 2003B101).

Respectfully submitted,

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